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# The American Observer

*A free, virtuous, and enlightened people must know well the great principles and causes on which their happiness depends.—James Monroe*

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WASHINGTON, D. C.

JANUARY 1, 1945



The legislative branch of the federal government—both Senate and House of Representatives—meets in the Capitol building in Washington

## Historic Role of 79th Congress

**A**FTER the Constitution was ratified in 1788, the Continental Congress took the necessary steps to set up the new government and put it into operation. It provided that the first Congress should assemble on the first Wednesday in March 1789. The City Hall of New York was the place chosen for the meeting, but when the time for the first session arrived, only nine of the 22 senators were present and only 13 of the 59 members of the House of Representatives. The roads were bad and conditions of travel difficult, making it impossible for all the members to arrive in time. As a result, it was not until early in April that the first Congress of the United States began its work.

This was 156 years ago and, since the life of a Congress is two years, 78 Congresses have come and gone since those first days of the Republic. The 78th will pass out of existence at noon on Wednesday, January 3, and the 79th will officially come into being and begin its work.

During the 156 years that we have lived under the Constitution, Congress has made the laws for a rapidly grow-

ing and changing nation. It has itself grown as new states have been admitted to the Union and as the national population has increased. Now there are 435 members in the House of Representatives and 96 senators.

Many issues have arisen about the powers of Congress and the way it does its work. Some of these issues have been long since put to rest, and others, almost as old as the Constitution itself, are vital problems of today. We can best understand these issues by studying the powers of Congress and its relation to the other branches of the government.

This study carries us back to the Constitution framers themselves. They

decided that Congress should be the supreme law-making branch of the government. "All legislative powers herein granted," declares the Constitution, "shall be vested in a Congress of the United States which shall consist of a Senate and a House of Representatives." But the Constitution did not give Congress full power to govern the nation. It established three branches of government—the legislative, the executive, and the judicial. Each was supposed to act as a check against the others.

While Congress is the supreme law-making authority of the land, the executive branch of the government, that is, the President, plays an impor-

tant role in this process. The Constitution declares that the President "shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." In the performance of this duty, it has become the custom of Presidents to address messages to Congress, either in person or in writing, recommending legislation to Congress.

Sometimes a President will merely tell Congress in a general way some of the things which he thinks should be done. If Congress wishes to follow his advice, well and good, but if not, the President does little about it. Many of our Presidents have adopted this course. They have not outlined legislation in detail and have not tried very hard to have their programs adopted. They have left it to Congress to adopt its own legislative policies.

Other Presidents have taken a more positive course. They have taken it upon themselves to set before Congress a definite program of legislation, and they have strongly urged upon

(Concluded on page 6)

The 79th Congress will meet in Washington in two days, on January 3. Few Congresses have met at such a critical time in the nation's history. Few have had greater responsibility. Before this Congress ends, the war, in all probability, will have ended and the nature of the peace settlements determined. This Congress will play a decisive role in shaping the future for years to come. Because of its importance, we are devoting a large part of this issue of *The American Observer* to Congress and its functions under our system of government.

# Reforms in Congressional Machinery

THE 79th Congress will take up the question of reforms in its own organization and procedure. For a number of years, our legislative branch has been subject to sharp criticism on the ground that it is inefficient and needs overhauling to meet the great responsibilities which now fall upon its shoulders.

Members of Congress are themselves concerned about the criticisms which have been leveled at them. During the last session, resolutions were introduced in both the House of Representatives and the Senate designed to pave the way for reforms. Many members realize that, though there

Congress is supposed to act wisely on hundreds of different subjects each session, many of which involve highly technical information. It is obviously impossible for a member of Congress to become an expert in many of the fields of legislation. It is obvious that he cannot become well enough informed to make intelligent and wise decisions unless he has expert assistance.

Such expert assistance is not provided for him. A senator has \$13,900 a year to spend for office help; a representative has \$9,500. As the magazine *Life* accurately points out: "Any vice-president of any medium-sized

company means that the leadership in law-making shifts from Congress to the executive branch or to groups which have special interests to promote. Congressmen may complain bitterly that the executive branch of the government is usurping too much authority, but little can be done to prevent such a thing from happening unless the committees of Congress employ their own experts, so that they will not be at the mercy of experts from the executive branch or experts representing special interests.

**Committee system:** In previous issues of *THE AMERICAN OBSERVER*, we have described how the committee

the floors of the House or Senate.

**Seniority rule:** The manner of selecting the chairmen of the various committees has been widely criticized. It is true that the seniority rule, by which committee chairmanships are given to members who have served longest in Congress, frequently leads to some strange results. It often happens that a committee chairman in either house is a man who by no stretch of the imagination can be called an "expert" on the subject with which his committee deals.

Great power is lodged in the hands of the committee chairmen. No bill ever goes to the floor of the House or Senate for debate and for a vote until it has gone through the hands of the committee which deals with that kind of legislation. The chairman has great power in determining what bills shall be recommended for passage. It is the chairman who calls the committee into session. If a measure which he does not like has been referred to his committee, he may hold it back for a long time by failing to call the committee together to consider it. He appoints subcommittees and these subcommittees do much of the work of framing bills.

## Power of Chairman

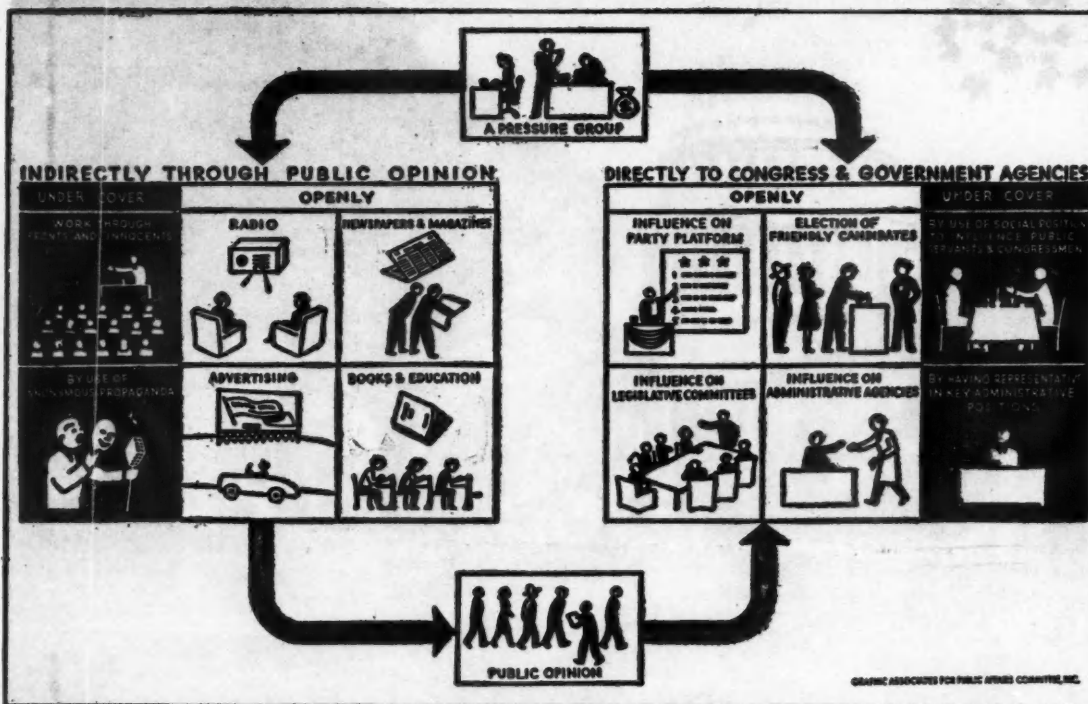
It is the chairman who takes to the floor of Congress the bills recommended by the committee. The members of Congress, in deciding how to vote upon a proposed measure, will give great weight to what the chairman has to say. They feel that he knows more about it than anyone else does. Thus he exerts great influence upon legislation.

Inasmuch as the chairmen of committees are so powerful, it is important that the best qualified men in Congress serve as chairmen. They should be specialists in the fields of legislation with which their committees deal.

The seniority rule gives an unfair advantage to those members who come from states which are predominantly one-party states. Senators and representatives from states which nearly always go Republican or Democratic are able to hold their seats for a number of sessions. By the seniority rule, they obtain membership on the important committees and become the committee chairmen when their party comes to power. Congressmen from states which swing from one party to the other enjoy no such advantage and are prevented from obtaining important committee posts, however able they may be. The states controlled by one party, therefore, enjoy power and influence in Congress out of all proportion to their size and population.

Another disadvantage of the seniority rule is that the chairman of an important committee may be out of sympathy with the policies of the majority of his party, or even of the majority of Congress. For example, the chairman of the Senate Foreign Relations Committee may not be a supporter of the foreign policy of the administration in power and backed by a majority of the Senate.

Under such circumstances, the party in power does not have a united leadership. If the Democrats are in control of the Senate, the party leaders should be able to form a party policy and put it through. Then something effective would be done. We would have real leadership. If the people did not like



How pressure groups influence legislation

have been tremendous changes in the national life and the problems which they must deal with are becoming infinitely more complex, Congress does its work under rules which have remained largely unchanged since the early days of the Republic.

Without an efficiently organized and smoothly operating Congress, our entire system of government is endangered. In many countries, the failure of the legislative branch of the government to meet its responsibilities has led to the shifting of power to the executive branch, with the consequent undermining and destruction of democratic government.

## Strengthening Democracy

Because of the vital need of strengthening our democratic machinery, the American people share with Congress the responsibility of seeing to it that those steps be taken which are essential to make our national legislature responsive to the needs and responsibilities of the difficult days ahead.

Some of the more urgent reforms which are being studied and advocated and which will be debated in the halls of Congress during the months ahead include the following:

**Research facilities:** Only the uninformed would contend that individual congressmen or Congress as a body has adequate staffs to deal intelligently with the complex problems of the day.

corporation, whose job is not one-hundredth as important to the nation, has much more help than that."

Not only is the individual member handicapped by lack of competent assistance, but the committees suffer from a similar handicap. Most committees must depend upon a clerk or two who have neither the training nor the time to examine all the problems on which legislation must be shaped. When hearings on important pieces of legislation are held, members of the committee have little advance preparation. They are not able to question witnesses effectively and to get at the bottom of the subject under discussion.

Under such circumstances, what does a congressional committee do? It does about the only thing it can do. It turns to the executive departments, the agencies which are under the direction of the President. Many of these agencies have large and competent staffs of lawyers, accountants, and other technical experts who know the details of the problems with which they deal.

The result of this procedure is that these executive experts write the bills and the congressional committees merely approve them. Or the committee may be influenced in writing legislation by the experts which special private groups bring to testify when important laws are under consideration.

This lack of trained staffs fre-

quently means that the leadership in law-making shifts from Congress to the executive branch or to groups which have special interests to promote. Congressmen may complain bitterly that the executive branch of the government is usurping too much authority, but little can be done to prevent such a thing from happening unless the committees of Congress employ their own experts, so that they will not be at the mercy of experts from the executive branch or experts representing special interests.

## Too Many Committees?

It is argued that the number of committees should be drastically reduced in the interest of efficiency. Many of these committees overlap in their work and it has been proposed that the Senate's 33 committees be reduced to 12 and the House's 47 to 15 or 20. If there were fewer committees, it is argued, individual members would not have to serve on more than one and could thus become better informed on the subject with which his particular committee was concerned.

In connection with the committee system, it has been proposed that greater use be made of the joint committee, composed of members of both houses of Congress. Often precious weeks are lost by duplicate hearings by committees of each house. Officials, military and civilian, are obliged to appear first before a Senate committee and then must testify on the same subject before a House committee. Every important piece of legislation must pass through the separate committees of each house before it reaches



what the Democratic leaders did, they could turn that party out and put in the Republicans. The same thing would be true if the Republicans were in power.

It will not be an easy matter to abolish or amend the seniority rule, for those who have chairmanships of important committees are not eager to relinquish their positions of power and influence. Many proposals have been made to improve the present system. One calls for the election of chairmen by secret ballot of the committee members. This would enable new members who are well qualified to deal with committee problems to rise to chairmanships without waiting their turns under the seniority procedures.

Another plan is that the members of the party in power should hold a caucus and elect the chairmen of the various committees by secret ballot. It is argued that, in this way, the party in power could form a united leadership and place the most able men in positions of influence.

**Better representation:** At present, state congressional districts, from which members are elected to the House of Representatives, are very unequal in population. It is not at all uncommon for some districts to contain twice as many people as others.

States are supposed to redraw their congressional district lines to take population changes into account. Many of them wait until the census is taken every ten years; however, before making any change. Some of them don't even redraw their lines then. Today, people move freely from one district to another and from one state to another. The result is that some districts grow and others decline, while their representation remains the same.

These reforms, together with such measures as the elimination of restrictions upon voting—such as age, requirement of long residence in a state or district, registration difficulties, poll taxes—are advocated as means of making Congress more truly representative of the people and thus more democratic.

**Relations with the Executive:** Many people believe that the relations between Congress and the executive branch of the government should be closer. As an example of how this might work, we can take the case of our relations with foreign countries. It is Congress which must declare war. Treaties can be put into effect only

with the approval of two-thirds of the Senate. Congress appropriates money to carry out any foreign policy which may be adopted.

At the same time, the President and his secretary of state negotiate treaties. They are dealing, day by day, with foreign countries and they make many important decisions as to what our relations with the other governments shall be. As a matter of fact, as things now stand, the President and State Department practically manage our foreign affairs. Congress merely approves or disapproves what is done.

Some effort is made to bring Congress and the executive branch of the government together in handling foreign matters. The President frequently calls in members of the Foreign Affairs Committee of the House and of the Foreign Relations Committee of the Senate, and talks to them about problems of foreign policy. The secretary of state frequently consults with committee members.

Many people think that the relationship between the two branches should be much closer than present arrangements allow. They contend, for example, that heads of the executive departments, such as the State Department, should appear regularly before Congress to explain policies and to answer questions on policies. They cite as an example of what might be done the appearance of former Secretary Hull before both houses of Congress after his return from Moscow. Some have gone so far as to suggest that cabinet members and others in prominent executive positions should have seats in Congress, without votes, to coordinate the policies of the two branches of the government.

**Approval of Treaties:** We have discussed in previous issues of this paper the constitutional provision whereby all treaties must have the approval of two-thirds of the members of the Senate before they can be put into effect. There is a strong movement throughout the country in favor of amending the Constitution so that treaties, like all legislation, might become effective after they were approved by a simple majority in both houses. The arguments for and against such a proposal need not be repeated here. Certainly this is one of the important issues to be debated and decided by the American people and their representatives.

**Efficiency measures:** Some of the rules of Congress permit serious de-



Secretary Hull reporting to Congress after the Moscow conference. Closer cooperation between the executive and legislative branches is a needed reform.

lays in the handling of public business. In the Senate, discussion is almost unrestricted unless a special rule is adopted limiting debate. Any senator can talk as long as he pleases upon a measure under consideration. Strong arguments can, of course, be made in favor of freedom of debate. Certainly we do not want "gag" rules or "steamroller" tactics.

But this right is frequently abused. In the Senate, a small group sometimes talk a measure to death. A senator may get the floor, supposedly to discuss the measure before the Senate, but when he runs out of things to say on the bill under consideration, he may talk on any subject which comes to mind. He may even read books and he may do this as long as his strength holds out.

Sometimes a number of members, knowing that if a measure they oppose comes to a vote it will be passed, agree among themselves to keep talking until the majority of the Senate gives up and allows the measure to die. This practice is called "filibustering."

While it would be wrong to deny to senators full time for reasonable discussion, it is certainly undemocratic to allow a few senators to thwart the will of a majority. From time to time, efforts have been made to prevent filibusters. Debate may be limited by the adoption of what is called "clo-

ture" (see page 8). One difficulty is that the Senate is not inclined to use this procedure. There is a strong tradition in favor of allowing senators to talk as long as they care to.

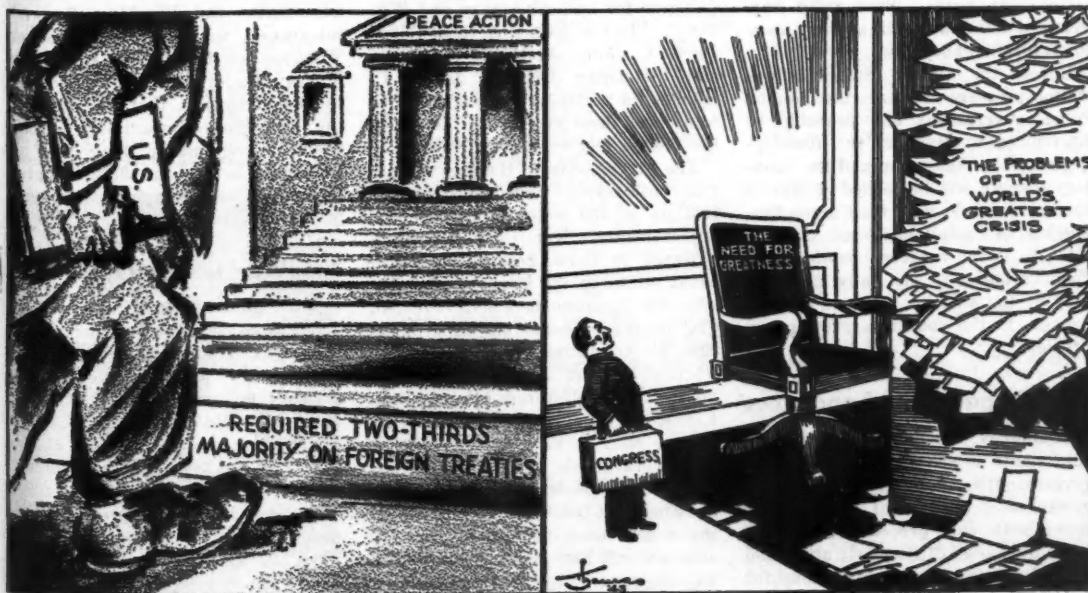
In the House, debate is more strictly limited. Otherwise, the House, with 435 members, would find it almost impossible to pass any important measures. But much time is lost in recording the vote, one by one, of individual members. Mechanical devices could be installed whereby the entire membership could vote instantaneously and the position of each member recorded without loss of time.

**Public interest:** It is well to remember when we speak of reforms of Congress that we cannot have a great Congress merely by changing the machinery through which the Senate and the House operate. Congress will be great and efficient and powerful only if able and public-spirited men and women are elected by the people. It is highly important that the voters of every district take an interest in politics, that they study the records of their representatives in Congress, and that they take pains to nominate and elect the best men and women who are available.

This cannot be done merely through interest in general elections. When voters go to the polls in November, they have the privilege only of choosing among the candidates who have been nominated by the parties. In order to get the best candidates, voters must pay as much attention to primary elections, in which the candidates are chosen, as they do in the general elections.

When we speak of the necessity of selecting the best men for Congress, we do not mean to imply that members of Congress are today inefficient or incompetent. That mistake is sometimes made. People who sneer at Congress seem to think that members of that body are inferior persons. As a matter of fact, most congressmen are leaders in their own communities and congressmen in general are worthy of respect.

We should not, however, be satisfied with what we have. We, as voters and as citizens, must work steadily not merely to keep the quality of Congress at its present level but to raise it to higher levels. That can be done if voters everywhere take the pains to be informed and if they are tireless in the performance of their civic duties.



Will this be a stumbling block?

Enough to make a big man feel small



# The Story of the Week

## The Battlefronts

Although final victory for the United Nations is now assured, it has become increasingly clear in recent weeks that a period of hard and bitter fighting still stands between us and the peace. On all fronts, the enemy is meeting our assaults with desperate resistance.

In the Pacific theater, however, our efforts are yielding definite gains. Recent landings on Mindoro Island have opened a new chapter in the Philippine campaign. This island, on the west side of the archipelago, is just south of Luzon, which means that its capture will place us within reach of Manila. It is also an ideal vantage point for future attacks on Formosa, the China coast, and Japanese shipping lanes to the East Indies. From positions on Mindoro and Leyte, our forces will be able to cut off the Japanese on all the southern Philippine Islands from those in the north.

In western Europe, where American, British, French, and Canadian armies are trying to force their way into the industrial heart of Germany, Hitler's forces under Field Marshal von Rundstedt are in the midst of a crucial counterattack. If they succeed in hurling back our armies concentrated against the Siegfried Line, many months may be added to the Allied victory timetable. If their attempt to split the Allied front and force it from German soil fails, they are likely to be too disorganized for further successful resistance.

## Poland's Frontiers

Poland's role as a battleground of international interests was highlighted recently when the United States joined Russia and Britain in the controversy over her future boundaries. This country was drawn into the conflict when Prime Minister Churchill, abruptly reversing Britain's position of supporting the London Polish government, declared that he stood behind Russia in her demand for Polish territory and asked for a statement of American policy on the question.

Although congressional debate of the matter is likely, a preliminary statement of our attitude toward the long struggle has been issued by Secretary of State Stettinius. Stettinius has placed the American government on record in favor of a settlement of



(This map does not show the shifting battle lines in the west, resulting from the great German counteroffensive, which is still in progress as we go to press.)

Poland's boundaries before the end of the war provided all the interested nations can agree. Presumably this means Poland as well as her more powerful neighbors.

Unless the United States brings strong pressure to bear, the London Polish government will probably be discredited in favor of the Russian-sponsored Lublin group and the boundary dispute will be settled as Russia wants it settled—with the Curzon line, which cuts Poland just west of Brest Litovsk, as the western boundary and Poland's outlet to the Baltic sea widened by the addition of parts of East Prussia to the country's prewar territories.

## State Department Appointees

Ordinarily, the Senate confirms appointments to secondary posts in the government's administrative departments as a matter of routine. It broke with this precedent, however, when the names of six newly appointed State Department officials came up for approval.

President Roosevelt and Secretary

of State Stettinius had agreed upon former ambassador to Japan Joseph C. Grew for undersecretary and William L. Clayton, Nelson A. Rockefeller, James C. Dunn, Archibald MacLeish, and Brigadier General Julius C. Holmes for assistant secretaries. But to each of these men, some faction in the Senate had specific objections.

The great issues of the postwar period, both foreign and domestic, were tied up in the controversy over the appointments. New Deal Democrats objected to Grew because he advocated retaining the emperor of Japan after the Japanese have been defeated. Clayton they opposed on the grounds that his connection with one of the world's largest cotton brokerage houses has involved him in cartel commitments. Dunn was suspect because he was said to have withheld information favorable to the republicans from the President at the time of the Spanish Civil War. MacLeish, on the other hand, met with the full approval of New Deal senators but was disapproved by conservative members for alleged radical leanings.

For a time, it looked as though a

filibuster would prevent confirmation of the appointments before Congress adjourned. But President Roosevelt intervened to break the deadlock. Warning Senators Pepper, Guffey, and Murray, leaders of the drive to block the appointments, that the names of the six State Department officials would be resubmitted this year if not confirmed before the 78th Congress adjourned, he finally induced them to permit a favorable vote.

## The War Is Not Over

Two government edicts recently gave the nation further proof that the war is far from over—proof that on the contrary victory still demands the greatest possible effort of every citizen. First, the War Production Board announced that because of labor shortages in key industries, production of civilian goods has been frozen at present levels wherever such production involves critical materials. Then the Army announced that draft quotas for this month and next must be raised.

Unexpectedly costly fighting has

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placed heavy demands on the Army for replacements. This, however, is only part of the reason for the tightening of Selective Service rules. Draft boards plan to review deferments among all men up to the age of 37 in the hope of forcing workers into essential industry on a "work or fight" basis.

Greece's Tragedy

The long smouldering internal struggles of the Greeks are now flaring into open civil war. More than that, they have become an issue of international significance which threatens to disrupt relations between this country and Great Britain.

As things stand now, British troops are keeping the government of Premier Papandreu in office while partisan forces, loosely organized in a federation known as the EAM, are trying to seize power. British action, started when the EAM refused to disarm its military force, the ELAS, has been defended by Prime Minister Churchill on the ground that the EAM wishes to set up a radical dictatorship. Churchill claims that Britain will permit the Greeks to have any government they wish, provided it is chosen through free elections.

British intervention in Greece has provoked sharp criticism both here and in England. Secretary of State Stettinius greeted the news of British fighting in Greece with a statement of American disapproval. In the House of Commons, where Churchill made the Greek affair the issue of a vote of confidence, disapproving Labor party members refused to vote. In Greece, the partisans accuse Britain of planning to restore the hated monarchy under a reactionary cabinet for her own imperialistic reasons.

Franco-Russian Pact

With the signing of the new pact with Russia, the French government has taken a long step toward defining its postwar international position. The terms of the treaty indicate that regardless of what kind of international organization may be set up after the war, France will cooperate closely with Russia.

According to the terms of the alliance, the two nations have promised to make no other agreements which might conflict with each other's interests. Specifically, France has agreed not to join a bloc of nations hostile to the Soviet Union.

The chief advantages for Russia in the new pact are the guarantee of an ally in western Europe and support for her demands on Poland. In exchange, the French gain support for demands they hope to make on a de-



Home front parasite



WHY PRODUCTION MUST NOT LAG. These supplies on Leyte Island give an idea of the gigantic quantities of materials needed to keep our invasion armies going.

feated Germany. During his conference with General de Gaulle, Premier Stalin agreed that France should play a major part in the postwar occupation of Germany and that, if the industrial Rhineland and Ruhr areas should be detached from the Reich, they should be controlled mainly or entirely by France.

New Military Ranks

Five stars on the shoulders of each of seven top Army and Navy officers mean that these men have been pro-



TIGHTENING UP. Maj. General Lewis B. Hershey, national draft director, studies new regulations to keep workers in war industries.

moted to a rank previously unknown in the United States—for the Army officers, General of the Army, and for the Navy officers, Admiral of the Fleet.

Our new Generals of the Army are Generals George C. Marshall, Chief of Staff of the Army; Dwight D. Eisenhower, Supreme Allied Commander in Europe; Henry H. Arnold, commanding general of the Army Air Forces; and Douglas MacArthur, commander in the Southwest Pacific. The five-star admirals are Admirals William D. Leahy, the President's personal Chief of Staff; Ernest J. King, Commander in Chief of the Fleet; and Chester W. Nimitz, Commander in Chief of the Pacific Fleet.

These seven men are still ranked, however, by General John J. Pershing, who commanded American forces in the First World War. General Pershing bears the special title of General of the Armies of the United States.

Japanese-Americans

The controversy over our population of Japanese ancestry became acute early in 1942, when the War Department authorized the internment of more than 100,000 people of Japanese descent in relocation camps. Pointing

to the danger of enemy attack on the Pacific coast, the Army pleaded military necessity. Internees who were citizens and who had given no evidence of disloyalty to the United States protested that the internment was a violation of their civil rights.

Now, however, the situation has been somewhat clarified by two Supreme Court decisions—that Japanese-Americans of proved loyalty cannot legally be detained in relocation centers and that the original evacuation did not conflict with the Constitution. These decisions followed the Army's announcement that Japanese-Americans will no longer be excluded from the west coast.

The majority of Supreme Court justices felt that under the Constitution the government is empowered to take any steps it finds necessary to protect the country from attack. Three dissenting justices argued that this principle would give the military arm of the government power to supersede the Constitution at any point and hence would violate the basic ideas and principles of freedom on which our system was founded.

NEWS QUIZ

1. Why will the new Congress be called the "79th"?
2. Explain how the system of checks and balances provided by the framers of the Constitution operates in practice.
3. What control does Congress exercise over the conduct of American foreign relations?
4. How do justices of the Supreme Court differ in their interpretation of the Constitution?
5. What proposals have been made for modernizing the machinery of Congress? On what grounds has the seniority rule been criticized?
6. Why is it important that members of Congress be provided with adequate research staffs?
7. Name some of the more important pieces of legislation enacted by the 78th Congress.
8. What is the salary of a member of Congress?
9. What recent action has been taken with respect to Japanese-Americans?
10. To what country does the Curzon Line apply and how does it figure in recent international developments?

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Pronunciations

- Brest Litovsk—brest' lee-toff'sk  
Lazon—loo-zon'  
Mindoro—meen-do-ro  
Nagoya—nah-goe'yah  
von Rundstedt—fon' roont'stet

SMILES

John: "So you're practically independent in your new job."  
James: "Yes, I can get there any time I wish before eight, and leave any time after five."

★ ★ ★

The young lady, a haughty senior, looked down her nose at the tiny freshman cut in during the dance.  
"And just why did you have to cut in?" she asked nastily.  
"I'm sorry, ma'am," was the meek answer, "but I'm working my way through college, and your partner was waving a five dollar bill at me."

★ ★ ★

Doctor: "Are you taking the medicine regularly?"  
Patient: "I tasted it and decided that I'd rather have the cough."

★ ★ ★

A gentleman was out walking with his long, low Dachshund. He was stopped by a small boy who asked, "What's that?"  
"That's a Dachshund," replied the gentleman.  
"Oh," said the boy, "for a minute I thought it was a dog."

★ ★ ★

A lady with ambitions to sing in opera honored the party with her rendition of "Carry Me Back to Old Virginny." As she sang, she noticed a man, apparently a Southerner, weeping, and when she had finished, she inquired, "Why are you weeping? Are you a Virginian?"  
"No, madam," was his answer, "I am a musician."



ALAN IN COLLIER'S

"I hope that isn't an indication of anything—he bought a five-year diary"

Writer: "I'm afraid that I haven't written anything which will live."  
Publisher: "Just be thankful that you're still alive in spite of what you've written."

★ ★ ★

First boy: "What does this book mean—'The redskin bit the dust.'"  
Second boy: "He was eating spinach, I guess."

★ ★ ★

GI: "I've seen General Marshall's name in lots of places around the Army, but the guy who seems to have his name on every door is Private Keep Out."

★ ★ ★

Mother was warning her little daughter to be careful when crossing streets.  
"Oh, don't worry, Mother," the child reassured, "I always wait for the empty space to come by before I cross."



**THE EXECUTIVE BRANCH.** The President, who heads this branch of the government, signs or vetoes bills passed by Congress. Members of the executive branch are frequently called before congressional committees, as Secretary of State Stettinius appeared recently before the Senate Foreign Relations Committee.



## Role of the 79th Congress

(Concluded from page 1)

Congress the passage of the bills they have recommended.

Whether a President can succeed in such a course and become in reality a law-maker depends largely upon how popular he is with the people. If the people like his policies, they will support him, and members of Congress will fall in line in order to remain in office. They will do this even though they do not like the policies advocated by the President. If, on the other hand, the President is not popular with the public, Congress can safely ignore his recommendations and do as it pleases.

In taking the initiative in proposing legislation, the President exercises a positive power in the enactment of laws. He also exercises a negative influence through the veto. If he vetoes or refuses to sign a bill, it cannot become a law unless it is passed over his veto by a two-thirds vote of both houses of Congress. Thus he serves as a check upon the power of Congress to pass laws.

One kind of legislation is turned over to the President. Under the Constitution, he is given the power to negotiate treaties with foreign governments. But just as the power of Congress over legislation is restricted by the President's veto right, so the legislative branch of the government has a veto power over the treaty-making power. No treaty may become effective unless it is ratified by a two-thirds vote of the Senate.

We have seen that the work of Congress is largely legislative. Its job is to make the laws of the nation. However, it shares this power to a certain extent with the President. The President's main job is executive or administrative. He is to see to it that the laws enacted by Congress are put into effect and enforced.

Everyone knows that the President alone cannot enforce or administer all the federal laws. He must have much assistance. There must be many departments and bureaus and offices, all engaged in administering the laws and performing the work of government. The President appoints most of the heads of the departments and agencies and bureaus and other important administrative officials. But all these appointments become effective only if confirmed by a majority vote of the

Senate. The President, therefore, cannot have as his assistants men whom a majority of the Senate disapprove.

In other ways, Congress exercises an influence over the administration of laws it enacts. Although the various departments and agencies are supposedly under the jurisdiction of the executive branch of the government, that is, the President, Congress may at any time appoint a committee to investigate the work of any agency or commission. If it does not like the way the laws are being administered, it may refuse to appropriate money to pay the salaries of the officials.

There are scores of commissions, bureaus, departments, and offices in Washington and throughout the country. Most of them are under the general supervision of the President and his subordinates. Some of these federal agencies have been set up directly by Congress, others have been created by order of the President.

Many issues arise about the way these organizations do their work. It is frequently charged that a commission or an agency is doing things which Congress did not give it the right to do; that it is not merely administering the laws as enacted by Congress but that it is in effect making laws of its own and thus usurping

powers of Congress. Charges of this kind have been frequent under the Roosevelt administration. Such issues frequently cause bad feeling between the President and Congress.

Nor have relations with the third branch—the judicial—always been harmonious. The judicial branch consists of the Supreme Court and other federal courts which have been set up to interpret the laws.

There have been many controversies concerning the relations between Congress and the Supreme Court. Congress, it should be remembered, has only such powers as the Constitution has given it. Naturally, differences of opinion arise as to whether certain acts of Congress are permitted by the Constitution. When the constitutionality of an act of Congress is questioned, the Supreme Court decides the issue. If a majority of the justices of the Court feel that the act is constitutional, the act is valid law. If, however, a majority of the justices think that Congress exceeded its authority in passing the law, the act is no longer an enforceable law. By exercising the supreme power of determining whether legislation passed by Congress and signed by the President is constitutional or not, the Supreme Court acts as a check upon the other two branches of the government.

Supreme Court justices differ widely

in their attitudes toward the powers of Congress. The position which some justices take when a question of constitutionality is involved, may be expressed as follows:

"There is some question as to whether the Constitution gives Congress the power to enact this law. There is a question as to its constitutionality. But the members of Congress thought it was constitutional or they would not have passed it. The President of the United States thought it was constitutional or he would not have signed it."

"Since these two branches of the government think that Congress had the power to enact the law, there must be good reason on their side. The Supreme Court should, therefore, accept the judgment of the legislative and executive branches of the government and should not declare the law unconstitutional."

When a majority of the justices of the Supreme Court feel this way about the matter, few acts of Congress are thrown out on the ground of unconstitutionality. Few disputes arise between Congress and the Supreme Court. Congress exercises wide powers in enacting legislation.

Other Supreme Court justices feel differently about the problem. Their position may be expressed in this way: "This act of Congress seems to me to be unconstitutional. Hence I, as a justice of the Supreme Court—the highest tribunal in the land—must vote to declare it unconstitutional. This is my duty as a judge. Regardless of what anyone else thinks about the law, I must exercise my judgment in deciding to uphold its unconstitutionality."

When most of the justices take this position, many acts of Congress are declared unconstitutional. Many people declare that the Supreme Court is undoing the work of the other branches of the government, while others support the Court and condemn Congress for trying to exceed its powers. Such issues come to the surface frequently in American politics.

Although our government is one of checks and balances, Congress remains, after 156 years, our supreme law-making body. As such the 79th Congress will begin its work this week. It will shape the policies of the nation until it ends its labors in January 1949. Its place in history will be determined by the wisdom it shows in enacting legislation necessary to win the greatest war of our history and to lay the foundations for what we hope will be an enduring peace.



**THE JUDICIAL BRANCH.** The United States Supreme Court is the highest tribunal in the land. It acts as a check upon the other two branches of the federal government by interpreting laws enacted by Congress and signed by the President.



# What Your Congressman Does

It would be an interesting experiment to conduct a poll among your classmates to determine how many of them know the name of the congressman from your district. If your class is typical, the results would probably be disappointing, for a large number of the members would be unable to name the man or woman who represents them in the House of Representatives. They might know the name of the two senators and the governor of the state, but would be hard put to name the congressman from the district, to say nothing of all the representatives from your state.

Again, most of your friends would find it difficult to tell what your congressman or senator does in Washington. Of course, they would say, he passes laws and makes speeches. He comes home now and then to discuss plans with political leaders in the state and community and tries to keep his "political fences" in good shape so that



—in attending committee meetings—

he may win again when the next election comes around.

Many people have curious ideas about their representatives in Congress. They may look upon congressmen and senators as a special lot, quite apart from the ordinary run of citizens. They have seen so many cartoons of Congress as a bewhiskered old gentleman that they are likely to think of their representative as a man who has made politics his life career, who has a gift for oratory, and who somehow acts and looks "different."

More likely than not, your congressman is like hundreds of men you meet every day. Only a few of the 96 senators and 435 representatives have made a career of Congress. Before your congressman or senator was elected, he may have been a lawyer, a businessman, a farmer, an educator, a newspaperman, or even a banker or a doctor. If you are represented by a congresswoman, she was probably a housewife or an actress or a writer, a nurse or a social worker. Of the 531 men and women who sit in the two houses of Congress, lawyers make up the largest single group. Only a very small minority in either house are "politicians" by profession.

Your congressman may be old or young, rich or poor. He may have been a prominent citizen in your community, or he may have been relatively obscure. He may have come from a long line of Americans or he may have been born in a foreign land. The important point is that he is likely to be an ordinary citizen, and Congress as a body is representative of a cross-section of the American population.

Perhaps your congressman reached Washington the "hard way." He may have taken an active part in politics for years. Before his election to the national legislature, he may have served as mayor of your town, county commissioner, district attorney, member of the state legislature, or even

governor of your state. Certainly he knows the important leaders of his party in community and state. They have searched long among party members to find someone who, they thought, would appeal to the voters.

A great deal of money may have been spent by the party in electing your representative or senator. In districts or states with large populations, where competition between the parties is keen, thousands of dollars are poured into the party campaign chests to elect a member of Congress. In other districts, practically nothing is spent for political campaigns because there is little rivalry and few speeches need to be made, no newspaper space or radio time bought to influence voters. You yourself may have made a small contribution to your congressman's campaign.

If you have the impression that your congressman leads an easy life in Washington, you are sadly mistaken. He is a very busy man. Only a few people in your community put in a longer or more strenuous day. His work is not confined to the hours he spends in his office or on the floor of the House or Senate or in committee meetings. He may have to meet a constituent for breakfast to discuss a trivial or an important matter. He may have to confer with officials of government agencies before he reaches his office or after he leaves it. He cannot afford to ignore requests from people back home, for if he does, he runs the risk of offending persons who are important and who can hurt him at the next election.

Your representative's or senator's office is located on the "Hill," in Washington. Washingtonians refer to Capitol Hill as the "Hill," and it is here that the Capitol building itself



—in discussing legislative plans—

is located. On either side are the House Office Building and the Senate Office Building, where your representative spends a great deal of his time and does much of his work.

Your congressman does not live lavishly in Washington, unless he has a substantial independent income. His salary of \$10,000 a year is not large, considering the demands which are made upon it. Frequently, he must maintain two homes, one in Washington and one in his local community. He must join various organizations, must spend a considerable amount on entertainment, and make numerous contributions. He pays taxes, the same as the rest of us. He may have to supplement his salary by writing articles for newspapers or magazines, by giving lectures or making radio addresses. Many congressmen employ their wives or other members of the family as clerks in their office to add to the family income. In certain cases, this practice has been seriously abused, for relatives are kept on the payroll without doing much work.

Members of Congress are allowed



—Your congressman spends much time in receiving visitors from back home—

certain sums for office help. Senators have an allotment of \$13,900 for employees in their office. Representatives are allowed \$9,500 a year. Out of this sum they must pay the salaries of clerks and stenographers and secretaries. If they are to have time to attend to their legislative duties, they must be able to shift much of the burden of office routine to the shoulders of their assistants.

Your congressman receives thousands of letters a year. Most of these are for "favors" of one kind or another—for jobs, for projects for the community, for influence with government officials or agencies. If he devotes too much time to national problems, he is criticized for neglecting the interests of his state or community. Every time he makes a speech on the floor of Congress, he incurs the displeasure of some of his constituents. Every time he must vote on an important piece of legislation, pressure is brought to bear upon him by both supporters and opponents of the bill.

In handling all these matters, he must exercise extreme tact or he will make enemies. He cannot ignore letters of complaints or criticisms. At the same time, he cannot grant all the requests made of him. Nor can he dismiss matters easily by turning them over to a "secretary." He must personally answer many of the letters and attend to details of many of the requests. But he cannot satisfy all the demands made upon his time, or he would be little more than the errand boy for his constituents.

All these activities have little to do with the congressman's official duties as a national legislator. Here his responsibilities and burdens are extremely heavy. They do not consist merely of putting in an appearance



—and in meeting favor-seekers

on the floor of the House or Senate at noon each day and of voting on measures which come up.

Long before Congress convenes for its daily session, members are busily at work. Your representative belongs

to at least one committee—probably to several. He may be chairman of an important committee, in which case he has the responsibility of arranging meetings and conducting them, of deciding which measures shall be considered, and of holding hearings on proposed legislation.

A member of Congress cannot act effectively as a committee member or chairman unless he knows a great deal about the subject under consideration. Many of these subjects are extremely technical and require a great deal of study. In order to inform himself on measures and to act wisely on them, he must read a great deal. He must consult with experts in the field and must weigh all the evidence presented. If he is a member of two or three committees, the subjects on which he must become something of an authority are totally unrelated and thus call for more study and attention.

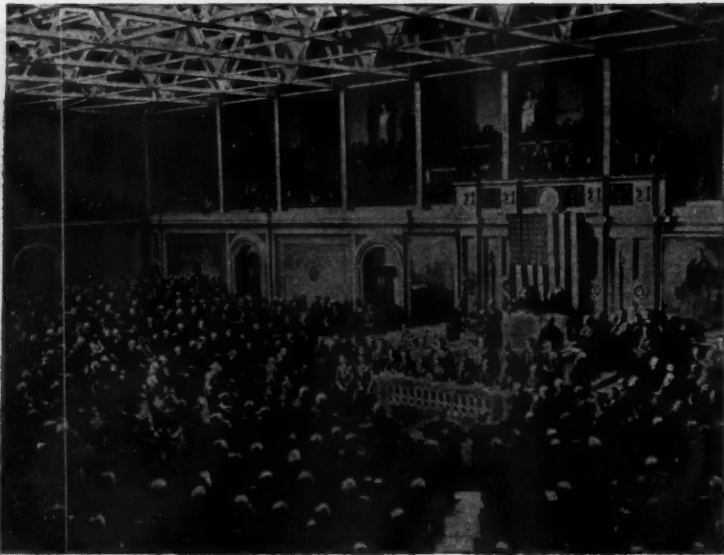
The congressman's burden would be lightened if he had a staff of expert assistants who could do the research work required for this committee work. But he is provided with no such staff. His own office help is not trained for such work, nor do his employees have the time to assume additional responsibilities. The committee itself probably has at its disposal the services of only one clerk, who keeps the minutes of committee meetings and attends to certain routine matters.

When one of the congressman's committees has completed its work on a bill and has brought it to the floor for general debate, he may be obliged to make one or several speeches in favor of or against the measure. He cannot speak intelligently without considerable preparation. Nor can he participate effectively in debate on the measure unless he has all the facts at his fingertips. Other members will give weight to his views and regard him as an authority on the subject since he is a member of the committee which drafted the legislation.

Few of the members of Congress are through with their work when the House or Senate adjourns for the day. After a hasty dinner, they may return to their offices to catch up on work which has piled up on them. They may be preparing for tomorrow's committee meeting. Or they may rush home and prepare for an evening dinner or meeting where they are to deliver addresses. A hundred details await their attention.

The war has added to the burdens and responsibilities of the individual congressman. The problems upon which he must legislate are more complex than ever before.





At the beginning of each session of Congress the President outlines his program, in person or in writing, to both houses

## 78th Congress Record

**T**HE second and third war years, during which the 78th Congress held sway, were marked by bitter controversy between the legislative and executive branches of the government over virtually all domestic matters. However, the 78th Congress gave strong support for the most part to the international policies of the President, and to military measures of the armed forces. Following are the major legislative acts of 1943 and 1944.

**Money.** Total appropriations were approximately \$170 billion—more than 90 per cent for war purposes. Appropriations dropped off sharply during the second session, indicating that war spending has passed its peak. The national debt limit was twice raised, to the present level of \$260 billion.

**Taxes.** Three important tax bills were passed. (1) The Current Tax Payment Act of 1943 put the federal personal income tax on a pay-as-you-go basis by "forgiving" three-fourths of the 1942 tax and calling for collection of both the 1942 and 1943 taxes in 1943. It also provides for current collection of the income tax through a 20 per cent levy on wages and salaries. (2) The 1944 War Revenue Act was passed over the President's veto, to bring in about \$2.3 billion of additional revenue instead of the \$10.5 billion asked by the administration. (3) A third law repeals the Victory Tax and greatly simplifies the whole procedure of figuring the income tax.

**Labor.** The War Labor Disputes Act (Connally-Smith Antistrike Law), also passed over the President's veto, enables the President to seize any war plants threatened by strike, and forbids strikes in such government-held plants. This act also bans political contributions by labor unions.

Another law requires labor unions, chambers of commerce, farm cooperatives, and other tax-exempt organizations to report to the Treasury on receipts and expenditures.

**Soldiers and Veterans.** Congress increased dependency allowances for servicemen; provided for mustering-out pay of from \$100 to \$300, depending on length and place of service; set up a vocational rehabilitation program for disabled veterans; and reserved certain federal jobs for veterans. It also passed the GI Bill of Rights and the Soldier Voting Act.

**Demobilization.** To ease the transition from war to peace economy

three principal measures were adopted, based largely upon the recommendations of the Baruch-Hancock Report.

(1) The Contract Settlement Act sets up machinery for ending war contracts and provides for speedy settlement of contractors' claims so that reconversion will not be delayed.

(2) The Surplus Property Act sets up highly detailed provisions to govern the disposal of an estimated \$75 billion worth of military goods, lands, and manufacturing plants that will become surplus during and after the war. A three-man board is provided to carry out the Act.

(3) The Reconversion Act provides machinery for smoothing the curtailment of war production and the resumption of peacetime production. It also sets up the machinery for a re-employment program.

**Foreign Affairs.** Through the Fulbright Resolution in the House and the Connally Resolution in the Senate, the 78th Congress went on record as approving in advance the principle of United States participation in a world organization to prevent aggression and preserve the peace.

**UNRRA.** Before his retirement, Secretary of State Hull reached substantial agreement with Senate and House leaders on approval for international agreements. The final settlements with enemy powers and the final agreement on an international security organization are to be submitted to the Senate in treaty form. The transitional problems growing out of the war will be settled by executive agreements, subject to approval of both houses.

In accordance with this plan, congressional consent was granted for United States participation in the United Nations Relief and Rehabilitation Administration, and \$1,350,000,000 was appropriated as the United States' contribution toward the \$2 billion to be spent by UNRRA on relief by June 30, 1946.

**Lend-Lease** was extended to June 30, 1946 (total appropriations now exceed \$28 billion), and the Reciprocal Trade Agreements Act was renewed for the third time, by the largest vote ever received.

**Philippines.** Congress gave authority to the President to proclaim the independence of the Philippines whenever normal government is restored.

## Glossary of Terms

**Adjournment Sine Die:** The adjournment of a legislature when no further meetings are scheduled before the next session officially begins.

**Calendar:** The schedule telling in what order bills are to be debated by a legislature.

**Caucus:** A party conference where officials are selected and plans made to carry out the party's legislative program.

**Cloture:** A rule limiting debate on proposed legislation. In the House, the Rules Committee sets the time for discussion of all bills it brings to the floor and leaders of the two parties apportion it among the members. In the Senate, debate is unlimited unless two-thirds of the members present, acting on a motion sponsored by 16 senators, vote to curtail it.

**Concurrent Resolution:** A resolution by the House and Senate regulating the internal affairs of Congress. Concurrent resolutions deal with such matters as the publication of documents, payment of congressional operating expenses, and other nonpolitical affairs. They are not subject to the President's veto.

**Conference Committee:** A committee of House and Senate members appointed to work out a compromise on a piece of legislation over which the two houses disagree. The compromise measure is called a "Conference report."

**Congressional Record:** A government publication covering the debates and votes of each day either house of Congress is in session. Some statements never actually made on the floor of Congress are also included when members obtain "leave to print."

**Constituent:** A voter in a congressman's district or a senator's state.

**Filibustering:** Delaying the vote on a proposed law by prolonged speech-making, repeated roll-calls, and other time-wasting devices. This is possible only in the Senate, where cloture is difficult to obtain.

**Franking Privilege:** The right of congressmen, federal administrators, and others to mail without postage letters and papers connected with official business.

**Gerrymandering:** Arranging voting districts so that one party's votes will carry disproportionate weight in an election.

**Impeachment:** A formal charge of misconduct in office brought against a government official by a legislative body so that he may be brought to trial.



In the cloakroom during a Senate filibuster

**Joint Committee:** A standing committee of House and Senate members.

**Joint Resolution:** A resolution passed simultaneously by both houses of Congress. It differs from a concurrent resolution in that it deals with public matters and is subject to the President's veto.

**Lobbying:** Bringing pressure on legislators to pass laws desired by special interest groups.

**Log-Rolling:** The practice among legislators of backing each other's bills on an exchange basis.

**Nepotism:** The practice among public officials of appointing their relatives to government jobs.

**Pairing:** The custom in which two legislators whose votes would cancel each other out agree not to vote on a particular bill.

**Patronage:** Appointments to public office as a reward for party service.

**Pocket Veto:** The defeat of a bill passed by Congress less than 10 days before adjournment by the President's failure either to sign or to veto it before Congress adjourns.

**Pork Barrel Laws:** Laws authorizing projects of doubtful necessity. Legislators sponsor pork barrel laws so they can claim to have brought federal funds into their districts.

**President Pro Tempore.** A senator elected to preside over the Senate in the absence of the Vice President.



Birth of the conference report

**Public and Private Laws:** Public laws are congressional enactments affecting national policy; private laws are those settling some matter between the government and an individual, business firm, or special group.

**Quorum:** The minimum number of legislators legally able to transact business for the entire legislature. A simple majority usually constitutes a quorum.

**Rider:** A regulation included in an important bill to which it is not logically related. Riders are usually attached to appropriations bills and others which cannot easily be held up or vetoed.

**Seniority:** The rule that positions on congressional committees are filled by members according to their length of service.

**Viva Voce:** The "voice vote," in which legislators indicate their preferences on a question by saying "aye" or "nay."

**Whip:** The party official in a legislature who enforces party discipline, rounding up members to vote on critical issues, polling them to ascertain their feelings in advance of the vote, and keeping them informed of changes in party policy.



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